

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 522 PENSION FUND  
AND THE LOCAL 522 WELFARE FUND OF NEW  
YORK AND NEW JERSEY, LOCAL 522 PENSION  
FUND, AND THE LOCAL 522 WELFARE FUND OF  
NEW YORK AND NEW JERSEY,

**ORDER ADOPTING R&R**

17-CV-1991 (KAM) (CLP)

Plaintiffs,

-against-

THE CONSOLIDATED COMPANIES, D/B/A  
CONSOLIDATED LUMBER CORP.,

Defendant.

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**KIYO A. MATSUMOTO, United States District Judge:**

On February 6, 2018, Magistrate Judge Pollak issued a report and recommendation, (the "R&R," ECF No. 16), recommending that plaintiffs' motion for a default judgment, (ECF No. 8), be granted, and that plaintiffs be awarded damages, attorneys' fees, and costs as set forth in the R&R. No objections to the R&R have been submitted.

When no objections have been filed, the court reviews a report and recommendation for clear error. *See, e.g., Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Upon review, the court finds no such error and adopts Magistrate Judge Pollak's thorough and well-reasoned R&R in its entirety. Accordingly, plaintiffs' motion for default judgment is granted.

As to damages, as of February 6, 2018, the date of the R&R, plaintiffs were entitled to damages, including pre-judgment interest and liquidated damages, in the amount of \$50,092.56.

(R&R at 21.) Since that date, pre-judgment interest and liquidated damages have continued to accrue as follows:

- (1) Interest has continued to accrue at the rate of \$12.096 per day with respect to the Local 522 Welfare Fund of New York and New Jersey (the "Welfare Fund").
- (2) Interest has continued to accrue at the rate of \$1.3545 per day in respect of the Local 522 Pension Fund (the "Pension Fund").
- (3) Liquidated damages have continued to accrue at the rate of \$12.096 per day with respect to the Welfare Fund.
- (4) Liquidated damages have continued to accrue at the rate of \$1.3545 per day in respect of the Pension Fund.

Plaintiffs' damages have thus accrued at the total rate of \$26.901 per day, inclusive of interest and liquidated damages for both the Welfare Fund and the Pension Fund, since entry of the R&R.

Therefore, between entry of the R&R and March 27, 2018, an additional \$1,318.15 in damages have accrued, and plaintiffs are entitled to damages in the amount of \$51,410.71. Additionally, interest and liquidated damages shall continue to

accrue in the aggregate amount of \$26.901 per day, representing daily interest and liquidated damages in respect of each of the Welfare Fund and the Pension Fund, until entry of judgment. Plaintiffs are therefore awarded damages in the amount of \$51,410.71, plus any amount that may accrue from March 27, 2018 until entry of judgment. The Clerk of Court is respectfully requested to add to the judgment damages in the amount of \$26.901 per day from the date of entry of this order through the date on which judgment is entered.

As set forth in the R&R, plaintiffs are awarded attorneys' fees in the amount of \$6,637.50 and costs in the amount of \$586.50.

Upon entry of judgment, post-judgment interest will accrue at the rate set forth in 28 U.S.C. § 1961, to be calculated from the date judgment is entered until the date of payment. If, after the expiration of ninety days from the entry of judgment, any amount of the judgment remains unpaid and there is no appeal pending, the total amount of the judgment shall be automatically increased by fifteen percent.

The Clerk of Court is respectfully directed to enter judgment in favor of plaintiffs in the amount of \$58,364.71, plus any pre-judgment interest and liquidated damages that may accrue from March 27, 2018 until entry of judgment, and to close

this case. Plaintiffs shall serve defendant with a copy of the R&R, this order and the judgment, and note service on the docket.

**SO ORDERED.**

Dated: March 27, 2018  
Brooklyn, New York

/s/  
Hon. Kiyo A. Matsumoto  
United States District Judge